

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

FILED BY 8 D.C.  
05 AUG 10 PM 4:51  
THOMAS M. GOULD  
CLERK U.S. DISTRICT COURT  
W.D. OF TN, JACKSON

BANNER LIFE INSURANCE  
COMPANY,

Plaintiff,

VS.

MARGARET JOHNSON,

Defendant.

No. 05-1070-T/An

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ORDER TO SHOW CAUSE

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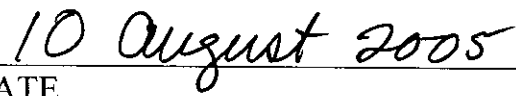
The plaintiff, Banner Life Insurance Company, filed this action on March 9, 2005 against defendant Margaret Johnson. Process was issued by the Clerk of Court on that date. Subsequently, on March 28, 2005, the Court granted plaintiff's motion to pay certain funds into the registry of the Court.

Pursuant to Federal Rule of Civil Procedure 4(m), service of process ordinarily must be made on the defendant within 120 days after the complaint is filed:

**Time Limit for Service.** If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period. . . .

As of the date of this order, the record contains no proof that plaintiff has obtained service on the defendant. Therefore, plaintiff is hereby ORDERED to show cause within 15 days after the entry of this order why this case should not be dismissed under Fed. R. Civ. P. 4(m).

IT IS SO ORDERED.

  
\_\_\_\_\_  
JAMES D. TODD  
UNITED STATES DISTRICT JUDGE  
  
  
\_\_\_\_\_  
DATE



## Notice of Distribution

This notice confirms a copy of the document docketed as number 4 in case 1:05-CV-01070 was distributed by fax, mail, or direct printing on August 11, 2005 to the parties listed.

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S. Russell Headrick  
BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ- Memphis  
165 Madison Ave.  
Ste. 2000  
Memphis, TN 38103

Honorable James Todd  
US DISTRICT COURT